

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

UNITED STATES OF AMERICA, ) No. 3:01cr104-05  
Plaintiff )  
v. ) ORDER  
JOSE OSEGUERA RODRIGUEZ, )  
Defendant )

Defendant **JOSE OSEGUERA RODRIGUEZ** moves the Court for modification of his imposed sentence. The Motion is **DENIED**.

The defendant is not eligible for a reduction pursuant to Amendment 706. According to the Presentence Report prepared for the above referenced case, the controlled substance related to this offense was cocaine powder not crack cocaine.

Signed: February 17, 2010

Frank D. Whitney  
United States District Judge

